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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,751	06/13/2000	Nick Kalageros	60.130-709	5781

7590 06/19/2002

CARLSON, GASKEY & OLDS
400 W. MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

EXAMINER

CARPENTER, SCOTT A

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/592,751

Applicant(s)

KALAGEROS ET AL.

Examiner

Scott A. Carpenter

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 5-9, 12, 13, 17-19 and 25-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10, 11, 14-16, and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's election without traverse of claims 20-24 in Paper No. 8 is acknowledged.
2. Applicant's arguments in paper no. 8 with regard to claim 31 have been considered but are not persuasive. Claim 31 was withdrawn from consideration based on an election by original presentation by applicant. Applicant states that "[c]laim 31 is simply the process for making the panel described in claim 21 and is not a process that can be used to make a materially different product or that the product can be made by a materially different process." Regarding the first part, the examiner concedes that the embodiment of claim 20 could be made by the method in claim 31. Regarding applicant's second point - that the product can not be made by a different process - it is not persuasive because applicant failed to provide any support for such an argument. The requirement with regard to claim 31 is still deemed proper and is therefore made FINAL.
3. In the previous action, claims 4 and 6 were omitted from the statements of rejection in the action. This was an oversight by the examiner, and accordingly, the following action is to be non-final. Additionally, claim 6 is also withdrawn from consideration by the examiner, as the elected species (species A, Fig. 2) is directed towards a panel having alternating sections of reinforcing fibers and sections without reinforcing fibers, whereas claim 6 recites alternating sections of polymeric material having more and less rigidity which is stated in the disclosure (pg. 5) as being a different embodiment.
4. Claims 1-31 are pending and claims 5-9, 12, 13, 17-19, and 25-31 have been withdrawn from consideration.

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Amano et al. in U.S. Patent 5,165,627.

Regarding claim 1, Amano et al. (Amano hereafter) disclose a vehicle body panel (1a) comprising a sheet of material and spaced reinforcements on said sheet of material such that said panel crumples in a predetermined manner. While Amano doesn't specifically recite crumpling of the panels, Amano specifically states that the panels are designed to be anisotropic - meaning that they are stronger in one direction than the other - and thus would crumple in a predetermined manner based on the direction of the impact force.

Regarding claim 2, Amano discloses that the invention can be made of fiber reinforced plastics.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 4, 10, 11, 14-16, and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spain et al. (U.S. Patent 5,707,697) in view of Amano and Vogt et al. (U.S. Patent 4,950,522).

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Regarding claims 3, 14, and 20, Spain et al. discloses a polymeric vehicle body panel comprising a substrate and a colored layer of material but fails to disclose the use of spaced reinforcements or - in the alternative - a plurality of first and second sections alternating in a predetermined pattern wherein the second sections are less deformable than the first. Amano discloses the panel discussed above, but fails to teach a colored layer of material. Vogt discloses a composite body panel designed with weak sections such that the panel crumples in a predetermined manner. It would have been obvious to one of ordinary skill in the art to modify the panels taught by Spain to include the anisotropic taught by Amano based on the teaching of Vogt et al. to further improve upon the invention of Spain by creating a panel that was easy to produce (as taught by Spain) and crumpled in a predetermined manner (the benefits of which are taught by Vogt). Furthermore, Amano teaches that the anisotropic structure would also be beneficial in reducing the amount of noise transmitted into the passenger compartment.

Regarding claim 4, Amano discloses the use of spaced reinforcing fibers.

Regarding claims 10 and 11, Spain teaches the use of a paintless film, and as stated in the previous action and not timely traversed by applicant, the use of paintless film and pre-painted aluminum are common knowledge in the art, and therefore it would have been obvious to one of ordinary skill in the art to use either one of the materials as they are cheap and readily available.

Regarding claim 15, Amano discloses the use of reinforcing fibers.

Regarding claims 16 and 21, Amano discloses the use of reinforcing fibers in laterally spaced rows (see Fig. 10). Additionally, the term "molded together" carries little patentable weight, as it is directed to how the part is made, and not a structural feature of the part.

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Regarding claim 22, Spain discloses the use of a paintless film, and Amano discloses the use of reinforced plastic (a polymeric material).

Regarding claim 23, Amano shows an arrangement with spaced fibers wherein the concentration is high where the fibers are, and low where the fibers are not.

Regarding claim 24, the panel of Amano has alternately arranged areas of high and low concentrations of fibers extending in laterally spaced rows.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson and Asher et al. disclose anisotropic panels.

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

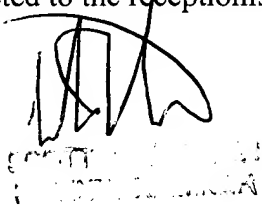
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A. Carpenter whose telephone number is 703-308-6290.

The examiner can normally be reached on Mon. - Thurs. 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on 703-308-3102. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3297 for regular communications and 703-308-3297 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

sac
June 5, 2002



D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600